

Jeff
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Docket No. 27798-00101USPT

polymer fibers comprise additives to increase resistance to ultraviolet (UV) radiation.

REMARKS

Favorable reconsideration of this Application, as presently amended, is respectfully requested. Applicant hereby affirms the provisional election of claims 1-9 by Applicant's representative. Claims 1, 4-5, 7, and 9 have been amended. Claims 2-3 and 8 have been canceled without prejudice or disclaimer. Claims 1 and 4-8 are pending. Claims 10-18 have been withdrawn from consideration.

Claim 1 stands objected to because of an informality. Applicant has amended claim 1 for clarity purposes and to correct this informality and respectfully requests that this objection be withdrawn.

Claims 1-7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,358,356 to Romanek et al. ("Romanek") in view of U.S. Patent No. 5,330,828 to Jacobsen, Jr. et al. ("Jacobsen") and U.S. Patent No. 5,507,845 to Molnar et al. ("Molnar"). The Office Action has cited the combination of Romanek, Jacobsen, and Molnar as disclosing all of the features of claims 1-7 and 9 as originally pending. Claims 2-3 have been canceled, thereby rendering the rejection thereof moot.

In response to the rejection of claim 1, Applicant has amended claim 1 to recite that the synthetic filler material disposed between the top sheet and the bottom sheet comprises a substantially post-consumer recycled polyester. Applicant respectfully submits that this feature of amended claim 1, which is one of the distinguishing features of claim 1, is not taught or suggested

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by the cited references.

Further, on p. 5 of the Office Action, it is stated that "...it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used recycled polyethylene terephthalate in the erosion control mat of Romanek et al., Jacobsen, Jr. et al., and Molnar et al., motivated by the desire to eliminate landfill waste." Applicant respectfully submits that the requisite *prima facie* case of obviousness has not been made and submits that amended claim 1 distinguishes over the cited references and is in condition for allowance.

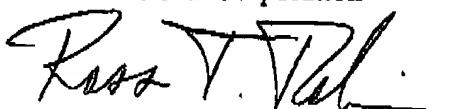
Dependent claims 4-5, 6-7, and 9 depend from and further limit independent claim 1 in a patentable sense. Claims 4-5, 7, and 9 have been amended to maintain proper claim dependency and to more completely claim that to which Applicant is entitled. Applicant respectfully submits that, for at least the reasons stated above, these dependent claims are also in condition for allowance. Applicant therefore respectfully requests that dependent claims 4-5, 6-7, and 9 be allowed.

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In view of the above, Applicant respectfully submits that the Application is in condition for allowance and respectfully requests such a Notice.

Respectfully submitted,

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EXHIBIT A - Marked-Up Version of Amended Claims

1. (AMENDED) [A] An erosion control blanket comprising:
a top sheet of a netting material;
a bottom sheet of a netting material;
a synthetic filler material being disposed between said top sheet and said bottom sheet;

[and]

wherein said synthetic filler material [further] comprises a plurality of crimped polymer fibers, said crimped polymer fibers being [which are] arranged to form a [three-dimensional] three-dimensional matrix;

wherein said synthetic filler material comprises a substantially post-consumer recycled polyester.

4. (AMENDED) The erosion control blanket of claim [2]1, wherein said substantially post-consumer recycled polyester [is substantially] comprises post-consumer[,]
recycled polyethylene terephthalate (PET).

5. (AMENDED) The erosion control blanket of claim 4, wherein said substantially post-consumer recycled polyethylene terephthalate (PET) [is substantially of] comprises green soda bottle material.

7. (AMENDED) The erosion control blanket of claim 1, wherein said synthetic filler material has a percent recovery value of at least about 90% following [the] application of a 0.5 psi compressive load for a period of 5.0 minutes.

9. (AMENDED) The erosion control blanket of claim 1, wherein said crimped polymer fibers [contain] comprise additives to increase resistance to ultraviolet (UV) radiation.